



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, November 15, 2011 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	January 17, 2012

Members Present

William Diveley, Chair, Professional Member
Gary V. Parker, Vice Chair, Professional Member
Stephen Huston, Professional Member
Brad Levering, Professional Member
Richard Wheeler, Public Member
Frank Long, Public Member
Ronald Mandato, Professional Member
Yvonne Rickards, Public Banking Member
Frank Smith, Public Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II

Members Absent

None

Others Present

Earl Loomis

Call to Order

Mr. Diveley called the meeting to order at 9:34 a.m.

Review and Approval of Minutes

The Council reviewed the minutes from the October meeting. Mr. Levering had a question about a complaint in which he had to recuse himself and stated that it should be noted in the meeting minutes. Mr. Long added that there was a correction on page three. Mr. Wheeler made a motion to accept the minutes from the October meeting with the amendments, seconded by Mr. Levering. Motion carried unanimously.

Unfinished Business

Tabled: Appraisal Experience Log Matrix

Mr. Levering provided the Council a copy of the current experience log form used by the State and the Appraisal Qualification Board's (AQB) sample experience criteria log. Mr. Levering stated that currently Delaware's current experience log is only a checklist; however the AQB recommends the use of the experience grid which provides more detail than the current experience log used by our licensees. Mr. Levering further stated that there would not be any more work on the administrative staff for development of this updated experience log to replicate the one recommended by the AQB. Mr. Levering recommended to the Council to adopt the AQB grid as the new experience log. Mr. Parker stated that the current experience log sheet includes all of the listed six items in the AQB's guidelines but the descriptive manner on the AQB's guideline is what is included at the top the current experience log sheet. Mr. Parker added that it is more efficient to keep the current experience log rather than be as descriptive as the AQB's log with the exception of one area of difference where the AQB points out the difference between reviewing an appraisal report and the level of supervision given during an appraisal. The current experience log only shows where the supervisor reviewed the experience and not the actual supervision of the appraisal itself.

Mr. Levering stated that the supervisor only initials where he reviewed the appraisal and wants the log to show more description of what the trainee actually completed during the appraisal process. Mr. Huston asked if the licensees were to use the AQB grid then the Council would not be adopting standard responses; therefore how can the Council determine what is an acceptable answer for each licensee. Mr. Huston's concern was consistency and the log becoming more subjective. The Council further discussed.

Mr. Diveley stated that the current log is more specific in detail of what the appraiser did unlike the AQB's log which is less detailed in structure. Mr. Parker stated that the AQB's log would ultimately put more work on the licensee rather than the use of the current log which gives the detail and covers all areas of the criteria with the exception of the one area as previously stated. Mr. Mandato said that there are two scopes to the supervisor's supervision rather than just the one. The Council further discussed.

Mr. Parker stated that the AQB's criteria information about the scope of the supervising appraiser's supervision is redundant as the current log requires the supervisor to sign the experience log. Mr. Smith inquired if the current log could have a summary description added. Mr. Mandato stated that the current log and the AQB log are essentially the same except that the AQB's log is more narrative. Mr. Wheeler noted one difference between the two logs as the AQB's states actual hours and the current log gives only an estimation of hours. Mr. Huston advised that the basis of an appraisal is an estimate rather than an actual number since there is no means to prove definite or estimated numbers. Mr. Long stated that he does not see much of a difference between the two

logs as both have the same information. Mr. Rickards stated that the AQB's log only provides more description. The Council decided not to adopt the AQB's log and maintain the log that the State currently uses.

Tabled: Requirement of Criminal Background Checks for Licensure

Mr. Levering advised that he did background research on other professions that require criminal background checks which include nursing, medical, and teaching which all require criminal background checks. He further stated that the AQB is moving towards this requirement as it has planned to make it a requirement by 2014. Mr. Mandato stated that the AQB's fourth exposure draft explains about the proposed requirement for criminal background checks. The Council further discussed.

Ms. Davis-Oliva stated that this would require a legislative change. The State currently is requiring all medical professions to have a criminal background check. Mr. Wheeler stated that he supports Mr. Levering's recommendation to start the process of requiring criminal background checks for licensure due to the nature of an appraisers job function. The Council further discussed.

Ms. Davis-Oliva recommended drafting a bill to send to Mr. Collins of the Division requesting the Division's support. Mr. Levering made a motion to draft a bill requiring criminal background checks to include temporary practice permits. The Council discussed.

Mr. Parker inquired if the requirement for temp permits would be hindering trade across the states. Ms. Davis-Oliva stated that it would not be a hinder to the profession because it would be required for reciprocity. The Council took a five minute break before making a motion. The Council returned and Mr. Levering asked Ms. Davis-Oliva to clarify her recommendation for this requirement. The Council further discussed.

Mr. Diveley inquired if someone is currently licensed and has the background check completed and there is a conviction on the record can the license be taken. Ms. Davis-Oliva stated that if a conviction is found that is substantially related to the profession of appraising then the information is forwarded to the investigators as a complaint and then brought up for disciplinary action.

Mr. Levering made a motion to require all new applicants and all current licensees to obtain a criminal background check within three years, seconded by Mr. Mandato. Motion carried unanimously.

Status of Complaints

Mr. Levering stated that complaint 19-05-10 has been dismissed by the Division for lack of substantial evidence to prove a violation was committed.

New Business

New Complaints

There were no new complaints.

Review of Renewals

Dimitri Teddone: Disciplined in PA – Mr. Huston made a motion to waive the disqualification and renew the license, seconded by Mr. Parker. Motion carried unanimously.

Ratification of Issued Licenses

Mr. Huston made a motion to ratify the license issued to Kennard Buddenbohn as an appraiser trainee with supervising appraiser Thomas Bowers, seconded by Mr. Parker. Motion carried unanimously.

Ratification of Approved Continuing Education Activities

Mr. Parker made a motion to ratify the approved education activities listing, seconded by Mr. Huston. Motion carried unanimously.

Review of Temp Applications for discussion only

Mr. Diveley read the list of names approved for temporary permits. There was no discussion by the Council.

Discussion of Correspondence from Earl Loomis

The Council addressed the concerns within a letter received from Mr. Earl Loomis. Mr. Loomis stated that from time to time as an instructor he is confronted with questions from students regarding the Council's decision to implement a letter of concern and what examples can be provided that would warrant the issuance of a letter of concern. Mr. Diveley stated that the Council's intent was to implement this letter mostly for review of appraisal reports that had technical violations that did not rise to the occasion of a USPAP violation. Ms. Davis-Oliva advised that the bill for a letter of concern did not get passed therefore there is no letter of concern. Mr. Huston stated that this matter was initiated due to the significant increase in the CE deficiency during the renewal process and the Council was limited in disciplinary actions which was limited to only suspension or revocation. The Council currently has proposed legislation that provides the Council with additional disciplinary actions that can be taken for those types of infractions. Ms. Davis-Oliva further clarified the Council's basis for the letter of concern, however the bill was dropped and no further action was taken to discuss the proposed bill again. The Council further discussed the additional concerns in Mr. Loomis's letter.

Mr. Parker left the meeting at 11:30 a.m. The Council will determine at a later time if they want to re-establish a bill for the letter of concern.

Discussion on Statute and Regulation Language for Inactives and Reactivation

Ms. Williams stated that the system administrator for the Division found during the appraiser renewal process that the statute and regulation language regarding an inactive license and reactivation was contradictory. Mr. Huston made a motion to table this until the January meeting, seconded by Mr. Diveley. Motion unanimously carried.

Election of Officers for 2012

The Council proceeded to vote for their nominations for the start of the 2012 year. Mr. Diveley nominated Mr. Mandato as Vice Chair, seconded by Mr. Huston. Motion

carried unanimously. Mr. Mandato accepted the nomination. Mr. Huston made a motion to nominate Mr. Diveley for a second term as Chair, seconded by Mr. Mandato. Motion carried unanimously. Mr. Diveley accepted the nomination.

Other Business before the Council (for discussion only)

Ms. Davis-Oliva requested that the Council to review the rules and regulations order thoroughly to ensure all the Council's comments were included. The Council reviewed the regulations order and provided their amendments. Ms. Davis-Oliva made the amendments to the final order and circulated the order for the Council's signatures. Mr. Levering inquired if the AQB adopts something does the Council have to adopt it as well. Ms. Williams advised that the Council only has to adopt the minimum standards established by the AQB and has the option to go above and beyond their standards. There was no further business for discussion before the Council.

Public Comment

Mr. Loomis addressed the Council stating that it was Mr. Huston's last meeting and thanked him for his service to the Council and the public, as he did an outstanding job as a professional Council member over the years. The Council thanked Mr. Huston for his professionalism and commitment to the Council. There was no other public comment.

Next Meeting

The next meeting is scheduled for January 17, 2011 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Huston made a motion, seconded by Mr. Mandato to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:41 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole M. Williams". The signature is written in a cursive, flowing style.

Nicole M. Williams
Administrative Specialist II